

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address AMY L. GOLDMAN, State Bar No. 134088 Amy.Goldman@LewisBrisbois.com SCOTT LEE, State Bar No. 204564 Scott.Lee@LewisBrisbois.com DOAH KIM, State Bar No. 287071 Doah.Kim@LewisBrisbois.com 633 W. 5 th Street, Suite 4000 Los Angeles, CA 90071 Telephone: 213.250.1800 Facsimile: 213.250.7900 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: R. Todd Neilson, Chapter 7 Trustee	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SAN FERNANDO VALLEY DIVISION	
In re: DANIEL I. BURK ENTERPRISES, INC., Debtor(s).	CASE NO.: 1:91-bk-93760-VK CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: November 19, 2015	Time: 2:00 p.m.
Location: Courtroom 301, U.S. Bankruptcy Court, 21041 Burbank Boulevard, Woodland Hills, CA 91367	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** November 5, 2015

Description of property to be sold: A certain parcel of commercial real property commonly known as
2899 Norton Avenue, Lynwood, CA 90266 (SEE ATTACHED LEGAL DESCRIPTION).

Terms and conditions of sale: "As is" and "where is" basis, and without any representations and/or warranties
Except as set forth herein in the Purchase Sale Agreement

Proposed sale price: \$2,100,000.00

Overbid procedure (if any): SEE ATTACHMENT

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

November 19, 2015 at 2:00 p.m.

United States Bankruptcy Court

21041 Burbank Blvd, Ctrm: 301

Woodland Hills, CA 91367

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Amy L. Goldman, Amy.Goldman@LewisBrisbois.com

Doah Kim, Doah.Kim@LewisBrisbois.com

LEWIS BRISBOIS BISGAARD & SMITH LLP

633 W. 5th Street, Suite 4000

Los Angeles, CA 90071

Telephone: 213.250.1800

Facsimile: 213.250.7900

Date: October 26, 2015

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LYNWOOD, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 2, IN THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP NO. 2513, FILED IN BOOK 37 PAGE 58 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 6170-015-028

OVERBID PROCEDURE

- (1) Each party (including the Buyer) must be present either physically or telephonically at the hearing on the Motion, or represented by an individual or individuals with the authority to participate in the overbid process;
- (2) Any party wishing to participate in the overbid process must notify the Trustee or the Trustee's professionals of his/her/its intention to do so no later than three (3) calendar days before the hearing on the Motion;
- (3) Each party participating in the overbid process (except for the Buyer, who already paid a Deposit into escrow) must remit to the Trustee, at or prior to the hearing on the Motion, a deposit in the form of a cashier's check or money order made payable to the Trustee, solely in his capacity as Chapter 7 Trustee, in the amount of \$75,000.00. The deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the Property per the terms of the proposed sale with fifteen (15) calendar days after entry of an order approving this Motion;
- (4) Any initial overbid for the Property must be in an amount not less than \$2,200,000;
- (5) Subsequent minimum bid increments shall be set at not less than \$50,000;
- (6) Any party participating in the overbid process shall not be precluded from continuing to make bids after initially passing his/her/its turn or turns to overbid;
- (7) Real estate brokers may participate in the overbid process as potential buyers of the Property. Moreover, in the event that the successful bidder is a real estate broker, he/she/it shall not be precluded from sharing in the brokers' commissions for the Property;
- (8) In the event that (a) the Buyer is not in default under the PSA and (b) the Property is sold to an alternate purchaser submitting the successful overbid at the hearing on the Motion, the Buyer's Deposit shall be returned to Buyer with the payment of a break-up fee in an amount not to exceed \$10,000.00 (the "Break-up Fee"). The Buyer shall receive the Break-up Fee only in the event the Property is sold to a successful overbidder. The Break-up Fee payable to Buyer shall be paid by escrow at the time of closing from the proceeds of the sale; and
- (9) The successful bidder (including the Buyer) must pay the full amount of the successful bid to the Trustee within fifteen (15) calendar days after the entry of an order granting the Motion. In the event that the Buyer is not the successful bidder of the Property, the successful bidder shall then become the buyer under the same terms and conditions as set forth in the Agreement and shall waive all contingencies regarding the purchase of the Property. Furthermore, if the successful bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after the entry of an order granting the Motion, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
633 W. 5th Street, Suite 4000, Los Angeles, CA 90071

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On October 26, 2015, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Barry S Glaser bglaser@swesq.com, erhee@swesq.com
- David R Haberbush dhaberbush@lbinsolvency.com, ahaberbush@lbinsolvency.com, abostic@lbinsolvency.com, thurd@lbinsolvency.com, vhaberbush@lbinsolvency.com, haberbush.assistant@gmail.com
- Doah Kim Doah.Kim@LewisBrisbois.com, Monique.Talamante@LewisBrisbois.com
- R. Todd Neilson (TR) tneilson@brg-expert.com, sgreenan@brg-expert.com; tneilson@ecf.epiqsystems.com; ntroszak@brg-expert.com
- United States Trustee (SV) ustregion16.wh.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On October 26, 2015, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

THE HONORABLE VICTORIA KAUFMAN

United States Bankruptcy Court
21041 Burbank Blvd., Suite 354
Woodland Hills, CA 91387

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

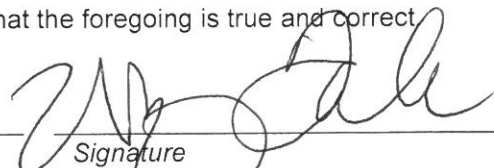
☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 26, 2015 Monique Talamante

Date

Printed Name


Signature